REMARKS

Claims 1-15 stand rejected. Claim 1 is amended herein to recite that the method comprises providing a subject identified as being in need of vaccination against EBV and as expressing one or more HLA class II molecules selected from the group consisting of HLA-DR1, HLA-DR7, HLA-DR16, HLA-DR52, HLA-DQ2, and HLA-DQ7; and (b) administering to the subject an EBV peptide epitope having the amino acid sequence set forth in SEQ ID NO:1. Support for this amendment can be found throughout Applicant's specification (e.g., at page 4, lines 23-28). Claim 9 is amended to incorporate the language of original claim 10, which is cancelled herein without prejudice.

In light of these amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of claims 1-9 and 11-15.

Rejection under 35 U.S.C. § 103

The Examiner rejected claims 1-15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over PCT Publication No. WO 01/12215 (the Steinman publication) in view of PCT Publication No. WO 95/24925 (the Moss et al. publication). The Examiner asserted that the Steinman publication teaches a method for protecting a subject from infection by EBV comprising administering an adjuvant and an immunogenic EBNA-1 polypeptide, which can be a fusion of EBNA-1 and a heterologous amino acid sequence. The Examiner further alleged that although the Steinman publication does not teach SEQ ID NO:1, the Moss et al. publication teaches cytotoxic T-cell (CTL) epitopes from EBV latent antigens having the amino acid sequence set forth in SEQ ID NO:1, as well as a composition for inducing CTL in a subject comprising at least one cytotoxic EBV T-cell epitope and an adjuvant. The Examiner alleged that it thus would have been *prima facie* obvious to use the latent antigen sequence of the Moss et al. publication, and that there would have been a reasonable expectation of success to do so.

Applicants respectfully disagree. One of the criteria required to establish a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination must be found in the prior art, and not based on Applicant's disclosure. (MPEP § 2143, citing *In*

re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). The present claims are not *prima facie* obvious over the combination of the Steinman publication with the Moss et al. publication. This is particularly true given that the present claims recite that the subject in need of vaccination against EBV or the subject to which the EBV peptide epitope and immune-enhancing agent(s) are administered expresses one or more HLA class II molecules selected from the group consisting of HLA-DR1, HLA-DR7, HLA-DR16, HLA-DR52, HLA-DQ2, and HLA-DQ7. In contrast, neither the Steinman publication nor the Moss et al. publication suggests that a person of ordinary skill in the art should identify a subject as expressing any HLA molecule, let alone one or more of the presently recited HLA class II molecules, before administering an EBV peptide epitope having the amino acid sequence set forth in SEQ ID NO:1. Thus, the combination of cited references fail to teach or suggest all the claim limitations. As such, a person of ordinary skill in the art reading the Steinman and Moss et al. publications at the time Applicant filed would not have been prompted to carry out the presently claimed methods, and the claims therefore are not obvious.

In light of the above, Applicant respectfully requests withdrawal of the rejection of claims 1-9 and 11-15 under 35 U.S.C. § 103(a).

CONCLUSION

Applicant submits that claims 1-9 and 11-15 are in condition for allowance, which action is respectfully requested. The Examiner is invited to telephone the undersigned agent if such would further prosecution.

Please apply $60 for the Petition for One Month Extension of Time, and any other charges or credits, to deposit account 06-1050.

Respectfully submitted,

Date: February 1, 2008

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